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WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT

4 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

5  
6 JAMES KELLY,

Case No. C08-261 MJP

7 Plaintiff,

8 v.

ORDER OR DISMISSAL

9 REED HOLTGEERTS, et al.,

10 Defendants.

11  
12 The Court, having reviewed Plaintiff's Amended Complaint in this 42 U.S.C. § 1983  
13 civil rights action (Dkt. No. 11), Defendants' motion for summary judgment (Dkt. No. 30),  
14 Plaintiff's motion for summary judgment (Dkt. No. 27), the Report and Recommendation of  
15 United States Magistrate Judge Brian A. Tsuchida (Dkt. No. 38), Plaintiff's objections to that  
16 recommendation (Dkt. No. 40), Defendants' response (Dkt. No. 41), and all papers submitted in  
17 support thereof, the Court hereby ADOPTS the Report and Recommendation. Plaintiff's  
18 objections do not substantively challenge the legal premises on which Magistrate Judge Tsuchida  
19 bases his recommendation for granting Defendants' motion for summary judgment.

20 Defendants' motion for summary judgment is hereby GRANTED and Plaintiff's motion  
21 for summary judgment is hereby DENIED. Plaintiff's complaint (Dkt. No. 11) is DISMISSED  
22 with prejudice.

23 The Clerk is directed to send a copy of this order to all counsel of record and mail a copy  
24 to Plaintiff, and to send a copy to Magistrate Judge Brian Tsuchida.

25 Dated: November 25, 2008.

26 Hon. Marsha J. Pechman

27 ORDER — 1



08-CV-00261-ORD